

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

George E. Penington,

Complainant,

vs.

San Diego Gas & Electric Company,

Defendant.

Case 02-12-022
(Filed December 17, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
REQUIRING SUPPLEMENTAL INFORMATION**

This complaint, Case 02-12-022, asks the Commission to resolve a dispute regarding whether George Penington is entitled to a refund of \$6,354.00 paid to San Diego Gas & Electric Company (SDG&E) to extend natural gas service to two residential properties. Neither party requests a hearing, since both claim that the material facts are undisputed and that the Commission need only interpret SDG&E's tariffs to resolve this matter.

I have reviewed the pleadings. The purpose of this ruling is to gain clarification of the Answer so that this case may be submitted for decision on the pleadings. SDG&E shall respond to the three questions in the Attachment to this ruling. The response shall be titled "Supplemental Information in Response to ALJ Ruling," shall be verified, and shall be filed on or before March 24, 2003.

Therefore, **IT IS RULED** that:

1. As discussed herein, San Diego Gas & Electric Company is directed to clarify its Answer by responding to three questions in the Attachment to this ruling.
2. The response shall be entitled "Supplemental Information in Response to ALJ Ruling," shall be verified by appropriate affidavit or declaration under penalty of perjury, and shall be filed and served in this proceeding on or before March 24, 2003.

Dated March 7, 2003, at San Francisco, California.

/s/ JEAN VIETH

Jean Vieth
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Requiring Supplemental Information on all parties of record in this proceeding or their attorneys of record.

Dated March 7, 2003, at San Francisco, California.

/s/ JEANNIE CHANG

Jeannie Chang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.

ATTACHMENT

1. Penington's September 17, 2001 letter, attached to the Complaint states, among other things:

"3. Two service laterals were installed to serve two buildings with four gas meters and four customers in each building."

Part II. of the Answer (i.e. Answer to Complainant's Allegations) states, among other things:

"8. SDG&E admits that one branch service and one service lateral were installed to serve two buildings with four residential units each and four new gas meters for each building."

Please confirm that any distinction between "lateral service" and "branch service", as defined in SDG&E's tariffs, has no material impact on resolution of this complaint.

2. Part III. of the Answer (i.e. SDG&E's Affirmative Allegations) states, among other things:

"16. Had the project required an additional branch service off the service lateral, SDG&E would have considered the service lateral to be a 'Distribution Main' up to the point of the interconnections with the branch services and the cost of the trenching, digging, and compacting of this length of pipeline would have been the responsibility of SDG&E, but since the project in question involved only the service lateral and one branch service there was no installation of a 'Distribution Main' within the definition of SDG&E Gas Rule 15.I."

Please explain more fully why, under the hypothetical situation (i.e. "an additional branch service off the service lateral"), SDG&E would consider "the service lateral to be a 'Distribution Main' up to the point of the interconnections with the branch services". Specifically, does SDG&E mean that two branch services off of one service lateral would constitute "three services" as that term is used in the definition of "Distribution Mains" in Rule 15.I?

3. Has SDG&E received \$6,354.00 from Penington or is that sum outstanding?

(End of Attachment)
CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Requiring Supplemental Information with Attachment on all parties of record in this proceeding or their attorneys of record.

Dated March 11, 2003, at San Francisco, California.

/s/ JEANNIE CHANG
Jeannie Chang

N O T I C E

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